

94TH CONGRESS
2D SESSION

S. 2054

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 1976

Referred to the Committee on Interstate and Foreign Commerce

AN ACT

To amend section 203 and 204 of the Communications Act
of 1934.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. Section 203 (b) of the Communications Act
4 of 1934 (47 U.S.C. 203 (b)) is amended to read as follows:

5 “(b) No change shall be made in the charges, classifica-
6 tions, regulations, or practices which have been so filed and
7 published except after 90 days notice to the Commission and
8 to the public, which shall be published in such form and con-
9 tain such information as the Commission may by regulations
10 prescribe; but the Commission may, in its discretion and for

1 good cause shown, allow changes upon less than the notice
2 herein specified or modify the requirements made by or
3 under authority of this section either in particular instances
4 or by a general order applicable to special circumstances or
5 conditions.”.

6 SEC. 2. Section 204 of the Communications Act of 1934
7 (47 U.S.C. 204), is amended to read as follows:

8 “SEC. 204. (a) Whenever there is filed with the Com-
9 mission any new or revised charge, classification, regulation,
10 or practice, the Commission may either upon complaint or
11 upon its own initiative without complaint, upon reasonable
12 notice, enter upon a hearing concerning the lawfulness there-
13 of; and pending such hearing and the decision thereon the
14 Commission, upon delivering to the carrier or carriers af-
15 fected thereby a statement in writing of its reasons for such
16 suspension, may suspend the operation of such charge, classi-
17 fication, regulation, or practice, in whole or in part but not
18 for a longer period than 5 months beyond the time when
19 it would otherwise go into effect; and after full hearing
20 the Commission may make such order with reference thereto
21 as would be proper in a proceeding initiated after such
22 charge, classification, regulation, or practice had become
23 effective. If the proceeding has not been concluded and an
24 order made within the period of the suspension, the pro-
25 posed new or revised charge, classification, regulation, or

1 practice shall go into effect at the end of such period; but in
2 case of a proposed charge for a new service or an increased
3 charge, the Commission may by order require the interested
4 carrier or carriers to keep accurate account of all amounts
5 received by reason of such charge for a new service or in-
6 creased charge, specifying by whom and in whose behalf
7 such amounts are paid, and upon completion of the hearing
8 and decision may by further order require the interested
9 carrier or carriers to refund, with interest, to the persons in
10 whose behalf such amounts were paid, such portion of such
11 charge for a new service or increased charges as by its de-
12 cision shall be found not justified. At any hearing involving
13 a charge increased, or sought to be increased, the burden
14 of proof to show that the increased charge, or proposed
15 increased charge, is just and reasonable shall be upon the
16 carrier, and the Commission shall give to the hearing and
17 decision of such questions preference over all other questions
18 pending before it and decide the same as speedily as possible.

19 “(b) Notwithstanding the provisions of subsection (a)
20 of this section, the Commission may allow part of a charge,
21 classification, regulation, or practice, to go into effect, based
22 upon a written showing by the carrier or carriers affected,
23 and an opportunity for written comment thereon by affected
24 persons, that such partial authorization is just, fair, and rea-
25 sonable. Additionally, or in combination with a partial au-

1 thorization, the Commission, upon a similar showing, may
2 allow all or part of a charge, classification, regulation, or
3 practice to go into effect on a temporary basis pending
4 further order of the Commission. Authorizations of tem-
5 porary new or increased charges may include an accounting
6 order of the type provided for in subsection (a)."

Passed the Senate May 27, 1976.

Attest:

FRANCIS R. VALEO,

Secretary.

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